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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/752,073	12/29/2000	John E. Schier	062891.0426	7747
7590	03/30/2005		EXAMINER PHAN, TRI H	
Barton E. Showalter Baker Botts L.L.P. 2001 Ross Avenue Dallas, TX 75201-2980			ART UNIT 2661	PAPER NUMBER

DATE MAILED: 03/30/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action SummaryApplication No. **09/752,073**

Applicant(s)

SCHIER, JOHN E.

Examiner

Tri H. Phan

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,4-12 and 14-27 is/are pending in the application.
- 4a) Of the above claim(s) 3 and 13 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,4-7,10-12 and 14-27 is/are rejected.
- 7) ☒ Claim(s) 8 and 9 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 10/13/2004.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment/Arguments

1. This Office Action is in response to the Response/Amendment filed on October 13th, 2004. Claims 3 and 13 are now canceled. Claims 1-2, 4-12 and 14-27 are now pending in the application.

Claim Objections

2. Claims 15-18 are objected to because of the following informalities:

In claim 15, the recitation "DSLAM" (line 1) should be corrected to -- the DSLAM -- for clarity.

Same objection's reasons for claim 16 with the recitation "DSLAM" (line 1); claim 17 with the recitation "DSLAM" (line 1); claim 18 with the recitation "DSLAM" (line 1); these recitations should be corrected to -- the DSLAM -- for clarity.

Appropriate corrections are required.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-2, 4-7, 10-12, and 14-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Jardin, Cary A.** (U.S.6,671,810; hereinafter '**Jardin**') in view of **Gidwani, Sanjay M.** (U.S.6,640,239; hereinafter '**Gidwani**').

- In regard to claims 1, 20 and 24, **Jardin** discloses in Fig. 1 and in the respective portions of the specification about the *system and method for providing secure communication of information between client* ('communication module') *and server application over the network* (For example see col. 1, lines 8-11); which comprises *means for receiving the input* ('request') *to identify the algorithm operable to provide the secure communication* ('server process'; For example see Fig. 1; col. 4, lines 42-44, 58-61), *means for processing information using the algorithm* ('child server process'; For example see Fig. 1; col. 4, lines 19-33; 58-61), *wherein the identified algorithm* ('security algorithm') *operable to decrypt the received information and operable to encrypt the transferred information* (For example see col. 5, lines 7-12), but fails to explicitly disclose the method and system are provided secure between the communication module and the network "*multiplexer*". However, such implementation is known in the art.

For example, **Gidwani** discloses in Figs. 1-3 and in the respective portions of the specification about the system and method for intelligent scalable switching network, which comprise the unified Internet portal server 'UIP Server' ("*DSL Access Multiplexer or DSLAM*") and unified Internet portal client 'UIP Client' ("*communication module*") to deploy DSL capability (For example see Figs. 1-2; col. 20, lines 1-17) with security control and authorization

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through the use of encryption/decryption of the Conditional Access Module ('CAM'; For example see Fig. 3; col. 25, lines 12-53; col. 67, line 44 through col. 68, line 15).

Thus it would have been obvious to the person of ordinary skill in the art at the time of the invention was made to implement the client/server applications as taught by **Jardin** into the UIP Server/Client of the **Gidwani's** Digital Subscriber Line system, with the motivation being to secure communication of information in the DSL system as disclosed in **Gidwani**: col. 1, lines 26-58.

- Regarding claims 2 and 25, in addition to features in base claim 1 (see rationales pertaining the rejection of base claim 1 discussed above), **Jardin** further discloses about *communicating an instruction to the communication module ('client') operable to identify the algorithm* (For example see col. 4, lines 29-33).

- In regard to claims 4 and 23, addition to features in base claim 1 (see rationales pertaining the rejection of base claim 1 discussed above), **Jardin** further discloses about *providing the database associated with the central office and reference information associated with the network* (For example see col. 4, line 58 through col. 5, line 6); but fails to explicitly disclose about the "*network multiplexer*". However, such implementation is known in the art.

For example, **Gidwani** discloses in Figs. 1-3 and in the respective portions of the specification about the system and method for intelligent scalable switching network, which comprise the unified Internet portal server 'UIP Server' ("*DSL Access Multiplexer or DSLAM*") and unified Internet portal client 'UIP Client' ("*communication module*") to deploy DSL

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capability (For example see Figs. 1-2; col. 20, lines 1-17) with security control and authorization through the use of encryption/decryption of the Conditional Access Module ('CAM'; For example see Fig. 3; col. 25, lines 12-53; col. 67, line 44 through col. 68, line 15).

Thus it would have been obvious to the person of ordinary skill in the art at the time of the invention was made to implement the client/server applications as taught by **Jardin** into the UIP Server/Client of the **Gidwani's** Digital Subscriber Line system, with the motivation being to secure communication of information in the DSL system as disclosed in **Gidwani**: col. 1, lines 26-58.

- Regarding claims 5-7, in addition to features in base claim 1 (see rationales pertaining the rejection of base claim 1 discussed above), **Jardin** further discloses about *determining subscribers and associated communication modules for the network multiplexer* (For example see col. 4, lines 44-53) *and updating the database based on the determined subscribers and communication modules* (For example see col. 4, lines 58-67); wherein *identifying an algorithm and updating the database associated with the new communication module* are just the initiating process for the request from the client and storing information in the storage device as disclosed in col. 4, lines 42-57 or col. 5, lines 17-20.

- In regard to claims 10 and 26, addition to features in base claim 1 (see rationales pertaining the rejection of base claim 1 discussed above), **Jardin** further discloses about *determining the communication session and processing information to provide the secure communication in response to determining the session* (For example see col. 4, lines 27-33), but

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fails to explicitly disclose about the “*network multiplexer*”. However, such implementation is known in the art.

For example, **Gidwani** discloses in Figs. 1-3 and in the respective portions of the specification about the system and method for intelligent scalable switching network, which comprise the unified Internet portal server ‘UIP Server’ (“*DSL Access Multiplexer or DSLAM*”) and unified Internet portal client ‘UIP Client’ (“*communication module*”) to deploy DSL capability (For example see Figs. 1-2; col. 20, lines 1-17) with security control and authorization through the use of encryption/decryption of the Conditional Access Module (‘CAM’; For example see Fig. 3; col. 25, lines 12-53; col. 67, line 44 through col. 68, line 15).

Thus it would have been obvious to the person of ordinary skill in the art at the time of the invention was made to implement the client/server applications as taught by **Jardin** into the UIP Server/Client of the **Gidwani**’s Digital Subscriber Line system, with the motivation being to secure communication of information in the DSL system as disclosed in **Gidwani**: col. 1, lines 26-58.

- Regarding claims 11 and 27, in addition to features in base claim 1 (see rationales pertaining the rejection of base claim 1 discussed above), **Jardin** further discloses about *determining the algorithm operable to provide the secure communication, communicating the algorithm to the communication module* (For example see col. 4, lines 27-33) *and storing the algorithm within the memory* (For example see col. 4, lines 58-65).

- In regard to claim 12, **Jardin** discloses in Fig. 1 and in the respective portions of the specification about the *device operable to provide secure communication of information via the high speed network* (For example see col. 2, lines 1-6); *which comprises the security module operable to provide secure communication of information* ('server process'; For example see Fig. 1; col. 2, lines 1-6), *wherein the security module includes one or more algorithms operable to decrypt the received information received and encrypt provided information* ('security algorithm'; For example see col. 2, lines 15-18, 38-42), but fails to explicitly disclose about the "*DSL modem*" and "*DSLAM*". However, such implementation is known in the art.

For example, **Gidwani** discloses in Figs. 1-3 and in the respective portions of the specification about the system and method for intelligent scalable switching network, which comprise the unified Internet portal server 'UIP Server' ("*DSL Access Multiplexer or DSLAM*") and unified Internet portal client 'UIP Client' ("*DSL modem*") to deploy DSL capability (For example see Figs. 1-2; col. 20, lines 1-17) with security control and authorization through the use of encryption/decryption of the Conditional Access Module ('CAM'; For example see Fig. 3; col. 25, lines 12-53; col. 67, line 44 through col. 68, line 15).

Thus it would have been obvious to the person of ordinary skill in the art at the time of the invention was made to implement the client/server applications as taught by **Jardin** into the UIP Server/Client of the **Gidwani**'s Digital Subscriber Line system, with the motivation being to secure communication of information in the DSL system as disclosed in **Gidwani**: col. 1, lines 26-58.

- Regarding claims 14 and 15, in addition to features in base claim 12 (see rationales pertaining the rejection of base claim 12 discussed above), **Jardin** further discloses about *receiving the instruction to identifying the algorithm for use by the security* (For example see col. 5, lines 25-30) *and reference operable to identify the algorithm* (For example see col. 4, line 65 through col. 5, line 6), but fails to explicitly disclose about the “DSL modem” and “DSLAM”. However, such implementation is known in the art.

For example, **Gidwani** discloses in Figs. 1-3 and in the respective portions of the specification about the system and method for intelligent scalable switching network, which comprise the unified Internet portal server ‘UIP Server’ (“DSL Access Multiplexer or DSLAM”) and unified Internet portal client ‘UIP Client’ (“DSL modem”) to deploy DSL capability (For example see Figs. 1-2; col. 20, lines 1-17) with security control and authorization through the use of encryption/decryption of the Conditional Access Module (‘CAM’; For example see Fig. 3; col. 25, lines 12-53; col. 67, line 44 through col. 68, line 15).

Thus it would have been obvious to the person of ordinary skill in the art at the time of the invention was made to implement the client/server applications as taught by **Jardin** into the UIP Server/Client of the **Gidwani**’s Digital Subscriber Line system, with the motivation being to secure communication of information in the DSL system as disclosed in **Gidwani**: col. 1, lines 26-58.

- In regard to claims 16 and 17, in addition to features in base claim 12 (see rationales pertaining the rejection of base claim 12 discussed above), **Jardin** further discloses about the *database* (‘pool or library or storage device’) *which comprises subscriber information and*

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session information (For example see col. 4, lines 42-65), but fails to explicitly disclose about the “*DSL modem*” and “*DSLAM*”. However, such implementation is known in the art.

For example, **Gidwani** discloses in Figs. 1-3 and in the respective portions of the specification about the system and method for intelligent scalable switching network, which comprise the unified Internet portal server ‘UIP Server’ (“*DSL Access Multiplexer or DSLAM*”) and unified Internet portal client ‘UIP Client’ (“*DSL modem*”) to deploy DSL capability (For example see Figs. 1-2; col. 20, lines 1-17) with security control and authorization through the use of encryption/decryption of the Conditional Access Module (‘CAM’; For example see Fig. 3; col. 25, lines 12-53; col. 67, line 44 through col. 68, line 15) and store the information in the storage device (“*DSLAM database*”; For example see col. 3, lines 20-26; col. 11, lines 1-18).

Thus it would have been obvious to the person of ordinary skill in the art at the time of the invention was made to implement the client/server applications as taught by **Jardin** into the UIP Server/Client of the **Gidwani**’s Digital Subscriber Line system, with the motivation being to secure communication of information in the DSL system as disclosed in **Gidwani**: col. 1, lines 26-58.

- Regarding claims 18 and 19, in addition to features in base claim 12 (see rationales pertaining the rejection of base claim 12 discussed above), **Jardin** further discloses about the *memory operably coupled to the security module to store the algorithm* (For example see Fig. 1; col. 4, lines 59-65), but fails to explicitly disclose about the “*DSL modem*” and “*DSLAM*” coupled to the “*central office*”. However, such implementation is known in the art.

For example, **Gidwani** discloses in Figs. 1-3 and in the respective portions of the specification about the system and method for intelligent scalable switching network, which comprise the unified Internet portal server 'UIP Server' ("*DSL Access Multiplexer or DSLAM*") on the Central office side ("*central office*") and unified Internet portal client 'UIP Client' ("*DSL modem*") on the customer premise side to deploy DSL capability (For example see Figs. 1-2; col. 20, lines 1-17) with security control and authorization through the use of encryption/decryption of the Conditional Access Module ('CAM'; For example see Fig. 3; col. 25, lines 12-53; col. 67, line 44 through col. 68, line 15) and store the information in the storage device ("*central office database*"; For example see col. 3, lines 20-26; col. 11, lines 1-18)..

Thus it would have been obvious to the person of ordinary skill in the art at the time of the invention was made to implement the client/server applications as taught by **Jardin** into the UIP Server/Client of the **Gidwani**'s Digital Subscriber Line system, with the motivation being to secure communication of information in the DSL system as disclosed in **Gidwani**: col. 1, lines 26-58.

- In regard to claims 21 and 22, in addition to features in base claim 20 (see rationales pertaining the rejection of base claim 20 discussed above), **Jardin** further discloses about *determining the algorithm and communicating an instruction to the communication module* (For example see col. 4, lines 27-33); *receiving the instruction identifying the algorithm at the communication module ('client')* and *providing the secure communication based on the identified algorithm* (For example see col. 5, lines 25-30); but fails to explicitly disclose about the "*network multiplexer*". However, such implementation is known in the art.

For example, **Gidwani** discloses in Figs. 1-3 and in the respective portions of the specification about the system and method for intelligent scalable switching network, which comprise the unified Internet portal server 'UIP Server' ("*DSL Access Multiplexer or DSLAM*") and unified Internet portal client 'UIP Client' ("*communication module*") to deploy DSL capability (For example see Figs. 1-2; col. 20, lines 1-17) with security control and authorization through the use of encryption/decryption of the Conditional Access Module ('CAM'; For example see Fig. 3; col. 25, lines 12-53; col. 67, line 44 through col. 68, line 15).

Thus it would have been obvious to the person of ordinary skill in the art at the time of the invention was made to implement the client/server applications as taught by **Jardin** into the UIP Server/Client of the **Gidwani**'s Digital Subscriber Line system, with the motivation being to secure communication of information in the DSL system as disclosed in **Gidwani**: col. 1, lines 26-58.

Response to Arguments

5. Applicant's arguments with respect to claims 1-23 have been considered but are moot in view of the new ground(s) of rejection.

Allowable Subject Matter

6. Claims 8-9 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

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The following is an Examiner's statement of reasons for allowance: Claims 8-9 are considered allowable since when reading the claims in light of the specification, none of the references of record-alone or in combination disclose or suggest the combination of limitations specified in the independent claims including *“updating the database associated with the central office and synchronizing the central office database with the database operably associated with the network multiplexer”*.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled “Comments on Statement of Reasons for Allowance”.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Aziz et al. (U.S.6,643,701) and **Viavant et al.** (U.S.5,784,566) are all cited to show devices and methods for improving the security services in the communication architectures, which are considered pertinent to the claimed invention.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tri H. Phan, whose telephone number is (571) 272-3074. The examiner can normally be reached on M-F (8:00-4:30).

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chau T. Nguyen can be reached on (571) 272-3126.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

(703) 872-9314

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office, whose telephone number is (703) 305-3900.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Tri H. Phan
March 25, 2005



BRIAN NGUYEN
PRIMARY EXAMINER